

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|------------------------------|---|---------------------------|
| DEREK LANEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 4:18 CV 1575 CDP |
| |) | |
| CITY OF ST. LOUIS, MISSOURI, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

The parties seek an extension of the mediation deadline until after the Court rules their anticipated summary judgment motions. They previously obtained an extension of the deadline to designate a neutral, representing to the Court that they wanted to complete mediation in similar cases before designating their neutral in this case. Additionally, the two originally named defendants have not answered plaintiff's Second Amended Complaint and their time for doing so has passed, so they are in default. There is also no indication in the record that the two newly named defendants have been served or that service has been waived on their behalf.

The parties previously obtained extensions of time to respond to various motions, extensions of time to respond to earlier versions of the complaint, an extension of time to amend the pleadings or add parties, and an extension of the

deadlines for expert witness discovery. In short, this case appears to be moving very slowly. Indeed, without objection, an amended complaint adding two new defendants was just filed – eighteen months after this case’s inception. I understand that both sides have many cases pending, but they need to either litigate this case or settle it.

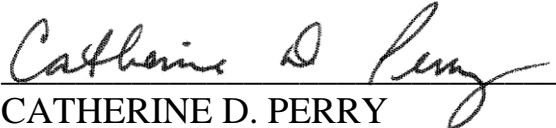
I will vacate the Order referring the case to mediation and order the parties to file a joint report advising the Court as to the status of the trial preparation in the case. They should include a description of the discovery that has been taken and that remains, and any other information that would assist the Court in understanding whether the case is progressing at all toward resolution. The joint report must also include the status of service on the newly-added defendants. The parties must state whether they expect the addition of the newly-added defendants will cause further delays to the case, including whether current defense counsel will represent them, whether discovery already taken will have to be re-taken, and what additional discovery is expected because they have been added. Finally, the report shall state why the originally named defendants have not answered the Second Amended Complaint.

Although I am vacating the referral to mediation, the parties are advised that the other deadlines in this case remain set, and I encourage them to continue efforts to settle this case without a Court order.

Accordingly,

IT IS HEREBY ORDERED that the Order Referring Case to Alternative Dispute Resolution [39] is vacated and the motion to extend the mediation deadline [51] is denied as moot.

IT IS FURTHER ORDERED that no later than **March 16, 2020**, the parties shall file a joint status report as set out above.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 5th day of March, 2020.